

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Annex
4041 North Richards Street
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

December 2, 1999

MR. BOB WEGELE
O'CONNOR OIL CORPORATION
P.O. BOX 968
FOND DU LAC, WI 54936-0968

FID#: 267012790
BRRTS#: 03-67-002151

Subject: Request for Case Closure for Quick Mart III, 1211 W. Washington St., West Bend, WI

Dear Mr. Wegele:

The Wisconsin Department of Natural Resources (WDNR) has reviewed the "Case Summary and Closure Request" (September 17, 1999) and case file for the subject site. It appears that the petroleum contamination at the site has been investigated and remediated to the extent practicable in compliance with the requirements of ch. NR 700, Wis. Adm. Code. Your case closure request included an exemption for benzene above the ch. NR 140, Wis. Adm. Code, preventive action limit (PAL) but below the enforcement standard (ES). The WDNR, however, has determined that a groundwater use restriction is required under s. NR 726.05(8)(am) in order to approve conditional closure of the site. This determination was based on the naphthalene concentration in monitoring well MW-1, which has historically exceeded the ES of 40 µg/L and was most recently detected at 55 µg/L (Jan. 7, 1999). Furthermore, the apparent decrease in benzene concentration at MW-1 to below the benzene ES is not verified based on one sampling round below the ES; therefore, a PAL exemption for benzene would have been not be approved at this time.

Enclosed is a model groundwater use restriction (also sent to Natural Resource Technology). The groundwater use restriction, which specifies the legal description of the property and the type, concentration, and location on the property of the residual groundwater contamination that exceeds a ch. NR 140 ES, is placed on the property deed and recorded at the register of deeds for Washington County.

If you do not wish to record a groundwater use restriction on your property in order to receive conditional closure from the WDNR, you should be aware that the Department of Commerce may determine that you are not eligible for continued reimbursement from the PECFA program if you choose to continue your remedial or monitoring actions beyond the point at which closure is possible. With this decision to grant conditional case closure, the WDNR will not require further remediation or monitoring at your site. The groundwater use restriction can be removed from the property deed if, in the future, the petroleum concentrations are all shown to be below the ESs.

If in the future any contamination is uncovered, it will be the responsibility of the property owner, at that time, to properly handle and dispose of all contaminated soil or groundwater that does not meet applicable state and federal standards. Furthermore, the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

*Quality Natural Resources Management
Through Excellent Customer Service*



Please submit a draft of the groundwater use restriction for review and approval, and have all monitoring wells, soil-vapor extraction (SVE) wells and observation points, and groundwater extraction wells at the site properly abandoned in accordance with ch. NR 141, Wis. Adm. Code. Upon receipt of copies of the final recorded groundwater use restriction for the property and the monitoring well and remediation well abandonment forms, the site will be tracked as conditionally closed on the BRRTS computer tracking system.

If you have any questions or comments, please contact me at the above address or at (414) 229-0872 (or 229-0800 to leave a message).

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Mueller", with a long horizontal flourish extending to the right.

Stephen D. Mueller, P.G.
Hydrogeologist
Remediation and Redevelopment Program

c: Jeff Maag – Natural Resource Technology
 Dale Ziege – RR/3
 SER Case File

STATE OF WISCONSIN

Register's Office
WASHINGTON COUNTY

} ss.

2349

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, DOROTHY C. GONNERING, Register of Deeds in and for Washington County, do hereby certify that I have compared the annexed copy of Groundwater

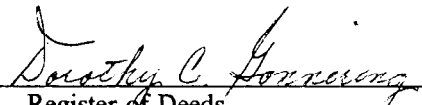
Use Restriction, Priya Corporation to the Public, recorded

December 12, 2000 at 9:00 am, Document #871938.

with the original record in my office and that the same is a true and correct copy thereof and of the whole thereof.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the official seal of my office at the City of West Bend, in said County, this

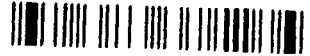
12th day of December, 2000.



Register of Deeds,
Washington County, Wisconsin

(SEAL)

DOC#: 871938



Recorded

DEC. 12, 2000 AT 09:00AM

DOROTHY C. GONNERING
REGISTER OF DEEDS

WASHINGTON COUNTY, WI

Fee Amount: \$14.00

DOCUMENT NO.

GROUNDWATER USE RESTRICTION

DECLARATION OF RESTRICTIONS

In Re: That part of the Northeast 1/4 of the Northwest 1/4 of Section 14, in Township 11 North, Range 19 East, in the City of West Bend, Washington County, Wisconsin, described as follows: Commencing at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 14; thence West along the North line of said Northeast 1/4 of the Northwest 1/4 (also the center line of Cherry, now Washington Street) 511.5 feet to the place of beginning of this description; thence South 225 feet; thence West 242.65 feet to the center of Silver Brook Drive; thence North 225 feet to the North line of said Northeast 1/4 of the Northwest 1/4; thence East along said North line 242.65 feet to the place of beginning. Excepting and reserving therefrom the West 40 feet and the North 50 feet for street and highway purposes.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Anup K. Khullar
Priya Corporation
714 North 27th Street
Milwaukee, WI 53208

013 01640 0004 000

Parcel Identification Number

State of Wisconsin)
) ss.
County of Washington)

WHEREAS, Priya Corporation is the owner of the above-described property (the "Property"); and

WHEREAS, one or more petroleum discharges have occurred at this Property. In particular, petroleum-contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards exists on the Property. Groundwater samples collected on April 12, 2000 from Monitoring Well-1 (MW-1) revealed the presence of Napthalene in concentrations of 49 micrograms per liter (ug/l) in the shallow groundwater. The location of MW-1 is depicted on the attached Exhibit A and hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the Property restrictions which will make it unnecessary to conduct additional investigation or remediation activities on the Property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate the contaminants in the groundwater exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this Property.

WHEREAS, construction of wells where water quality exceeds the drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by ch. NR 811 and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the Property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following restriction:

Anyone who proposes to construct or reconstruct a well on this Property is required to contact the Department of Natural Resources, Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable and to obtain Department of Natural Resources approval,

prior to constructing or reconstructing a well on this Property. No well may be constructed or reconstructed on this Property unless applicable requirements are met.

If construction is proposed on this Property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described Property whether by descent, devise, purchase, or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the Property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restriction set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restriction contained herein can be extinguished. If the Wisconsin Department of Natural Resources determines that the restriction can be extinguished, an affidavit can be recorded to give notice that this groundwater use restriction is no longer binding.

By signing this document, Anup Khullar, acknowledges that he is duly authorized to sign this document on behalf of the Priya Corporation.

IN WITNESS WHEREOF, the owner has executed this Declaration of Restriction this 26 day of November, 2000.

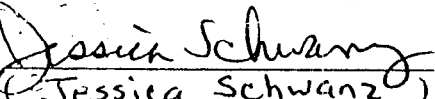

Signature

Printed Name: ANUP K. KHULLAR

Title: PRESIDENT

State of Wisconsin)
) ss.
County of Washington)

Subscribed and sworn to before me
this 26th day of November, 2000


(Jessica Schwanz)

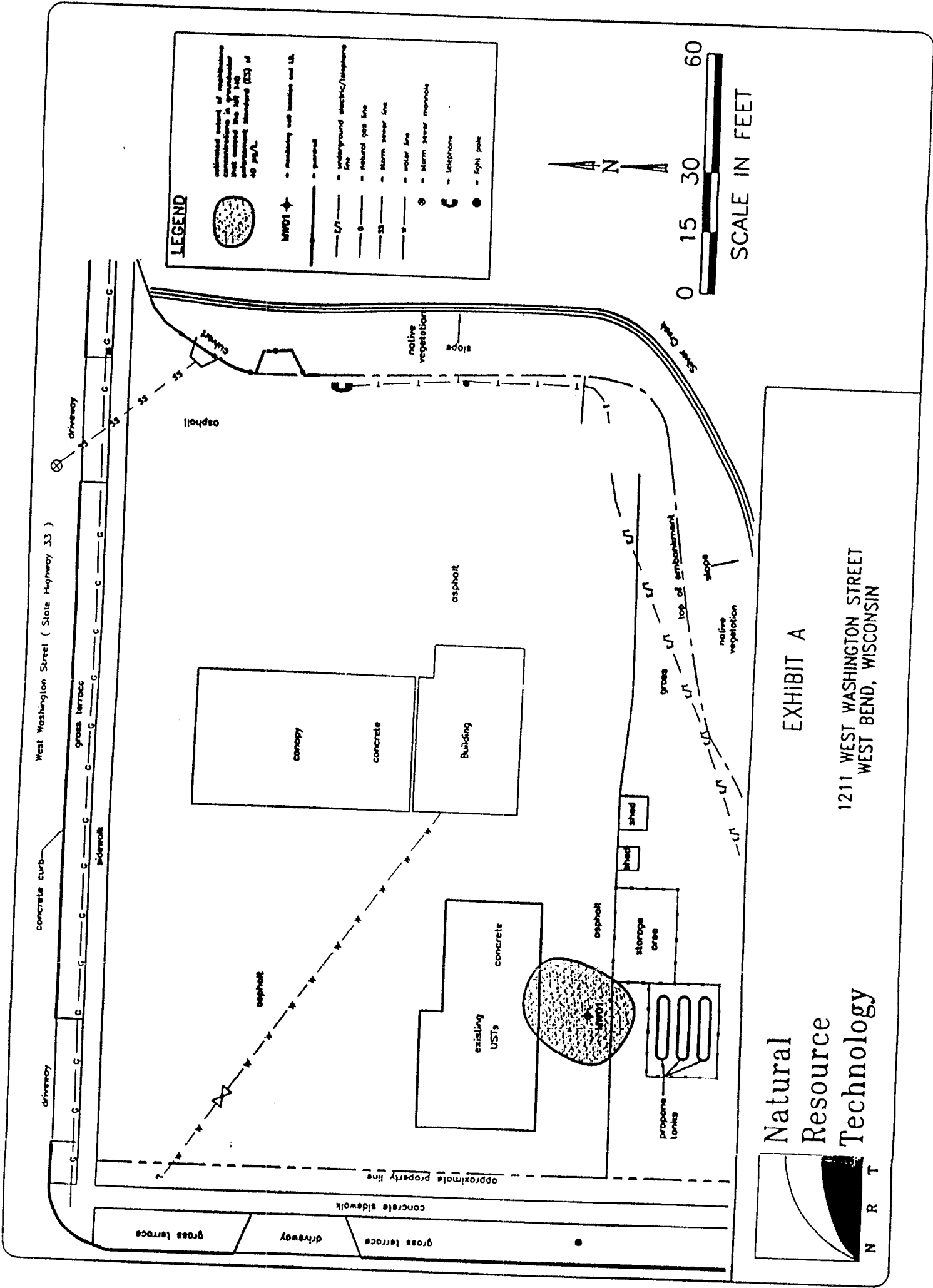
Notary Public, State of Wisconsin

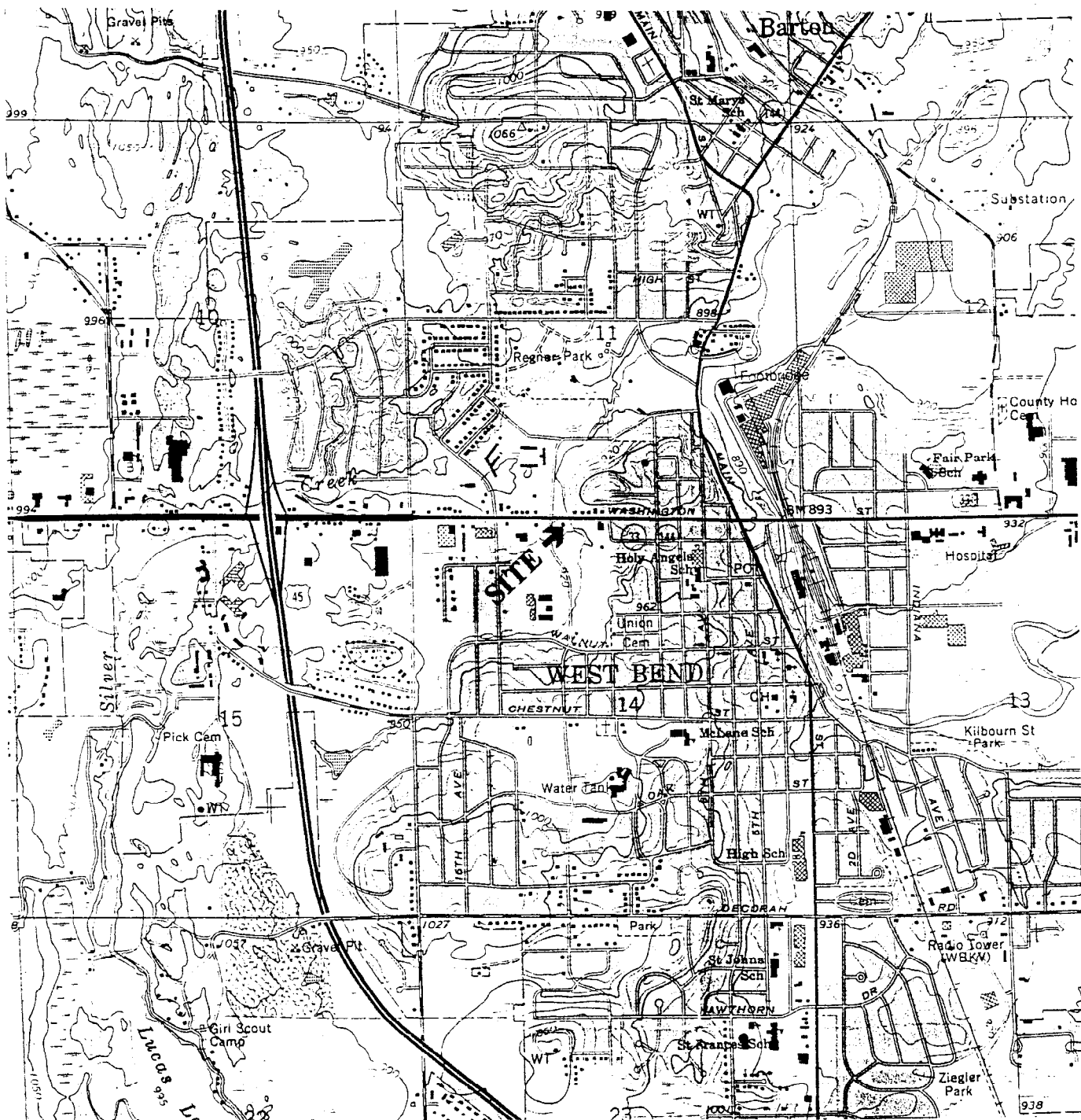
My Commission: expires 4-11-2004

This document was drafted based on information from the Wisconsin Department of Natural Resources and after recording should be returned to:

Anup K. Khullar
Priya Corporation
714 North 27th Street
Milwaukee, WI 53208

EXHIBIT A





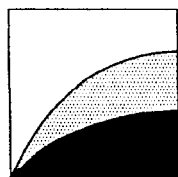
SOURCE: USGS 7.5 MINUTE QUADRANGLE,
WEST BEND. DATED 1959.
REVISED 1994.



0 2000 4000

SCALE IN FEET

CONTOUR INTERVAL 10 FEET



Natural
Resource
Technology

SITE LOCATION MAP

O'CONNOR OIL CORPORATION-QUIK MART III
1211 WEST WASHINGTON STREET
WEST BEND, WISCONSIN

DRAWN BY: TAS

APPROVED BY: *KMJ*

DATE: 9/13/99

PROJECT NO.
1325

DRAWING NO.
1325-A01

FIGURE NO.
1



Table 2 - Groundwater Analytical Summary
O' Connor Oil - 1211 West Washington Street, West Bend, WI

Sample Identification	Sample Date	Volatile Organic Compounds											Trimethylbenzenes (1,2,4 & 1,3,5)	Xylenes, total
		Benzene	s-Butylbenzene	n-Butylbenzene	Ethylbenzene	Isopropylbenzene	p-Isopropyltoluene	Methylene chloride	MTBE	Naphthalene	n-Propylbenzene	Toluene		
		(µg/L)												
MW-01	12/15/97	15	na	na	45	na	na	na	1.1 Q	na	na	0.99	155	91
	2/20/98	22	na	na	84	na	na	na	< 2.0	na	na	2 Q	202	184 Q
	6/1/98	18	na	na	34	na	na	na	1.7	na	na	1.3	133	45
	9/10/98	19	na	na	7.1 Q	na	na	na	< 2.2	na	na	< 2.1	50	16 Q
	1/7/99	8.4	na	na	43	na	na	na	0.94	55	na	0.72	144	75
	4/29/99	2.4	na	na	38	na	na	na	< 1.6	na	na	< 2.0	109	76
MW-02	12/15/97	10	na	na	15	na	na	na	160	na	na	0.3 Q	131.5	12.7
	2/20/98	120	na	na	700	na	na	na	< 10	na	na	35	1,160	2,200
	6/1/98	36	na	na	162	na	na	na	20	na	na	14	297	346
	9/10/98	1.9	na	na	1.5	na	na	na	120	na	na	< 0.21	9.9	2.48 Q
	1/7/99	1.3	na	na	16	na	na	na	4.2	5.0	na	0.84	91	26.9
	4/29/99	0.16	na	na	< 0.22	na	na	na	0.81	na	na	< 0.20	1.3	0.73
MW-03	12/15/97	< 0.41	na	na	< 0.23	na	na	na	11	na	na	< 0.28	< 0.55	< 0.79
	2/20/98	1.2	na	na	0.4 Q	na	na	na	10	na	na	0.3 Q	0.5 Q	< 0.90
	6/1/98	3.3	na	na	0.29 Q	na	na	na	9.2	na	na	0.5 Q	< 1.4	< 1.34
	9/10/98	< 0.26	na	na	< 0.24	na	na	na	0.28 Q	na	na	< 0.21	< 1.4	< 1.34
	1/7/99	< 0.26	na	na	< 0.24	na	na	na	4.8	< 0.89	na	< 0.21	< 1.4	< 1.34
	4/29/99	< 0.13	na	na	< 0.22	na	na	na	< 0.16	na	na	< 0.20	< 0.29	< 0.23
MW-04	12/15/97	< 0.41	na	na	< 0.23	na	na	na	< 0.53	na	na	< 0.28	< 0.55	< 0.79
	2/20/98	< 0.20	na	na	< 0.30	na	na	na	< 0.20	na	na	0.3 Q	0.3 Q	< 0.90
	6/1/98	< 0.26	na	na	< 0.24	na	na	na	< 0.22	na	na	0.35 Q	< 1.4	< 1.34
	9/10/98	—	—	—	—	—	—	—	—	—	—	—	—	—
	1/7/99	< 0.26	na	na	< 0.24	na	na	na	< 0.22	< 0.89	na	< 0.21	< 1.4	< 1.34
	4/29/99	< 0.13	na	na	< 0.22	na	na	na	< 0.16	na	na	< 0.20	< 0.29	< 0.23
MW-99 (Dup. MW-04)	4/29/99	< 0.13	na	na	< 0.22	na	na	na	< 0.16	na	na	< 0.20	< 0.29	< 0.23
MW-06	12/15/97	< 0.41	na	na	< 0.23	na	na	na	3	na	na	< 0.28	< 0.55	< 0.79
	2/20/98	< 0.20	na	na	< 0.30	na	na	na	2	na	na	< 0.20	< 0.60	< 0.90
	6/1/98	< 0.26	na	na	< 0.24	na	na	na	3.3	na	na	< 0.21	< 1.4	< 1.34
	9/10/98	—	—	—	—	—	—	—	—	—	—	—	—	—
	1/7/99	< 0.26	na	na	< 0.24	na	na	na	1.8	< 0.89	na	< 0.21	< 1.4	< 1.34
	4/29/99	< 0.13	na	na	< 0.22	na	na	na	1.8	na	na	< 0.20	< 0.29	< 0.23
MW-108	1/7/99	< 0.27	< 0.29	< 0.29	< 0.32	< 0.26	< 0.24	< 0.38	11	< 0.35	< 0.76	< 0.27	< 0.49	< 0.67
	1/7/99	< 0.26	na	na	< 0.24	na	na	na	12	< 0.89	na	< 0.21	< 1.4	< 1.34
	4/29/99	< 0.13	na	na	< 0.22	na	na	na	10	na	na	< 0.20	< 0.29	< 0.23
MW-109	1/7/99	12	< 0.58	8.7	66	3.0	< 0.48	< 0.72	5.4	13	2.9 Q	57	166	480
	4/29/99	3.4	na	na	28	na	na	na	< 0.16	na	na	0.50	42.6	38
MW-110	1/7/99	4.4	0.98	0.91	0.33 Q	1.1	0.50 Q	0.49 Q	49	< 0.35	< 0.76	0.60 Q	0.39 Q	0.74 Q
	4/29/99	0.64	na	na	< 0.22	na	na	na	21	na	na	< 0.20	< 0.29	< 0.23
EW-09	12/18/97	34	na	na	2.1	na	na	na	36	na	na	1.6	2.78	7
	2/20/98	—	—	—	—	—	—	—	< 0.32	na	na	< 0.27	< 0.49	< 0.67
	6/1/98	< 0.27	na	na	< 0.32	na	na	na	—	—	—	—	—	—
	9/10/98	—	—	—	—	—	—	—	—	—	—	—	—	—
	1/7/99	—	—	—	—	—	—	—	—	—	—	—	—	—
	4/29/99	< 0.13	na	na	< 0.22	na	na	na	< 0.16	na	na	< 0.20	< 0.29	< 0.23
ES		5	ns	ns	700	ns	ns	5	60	40	ns	343	480*	620
PAL		0.5	ns	ns	140	ns	ns	0.5	12	8	ns	68.6	96*	124

(O-CAR 1/28/99, R-CAR 5/28/99 C- JAM 6/4/99)

Notes:

µg/L = micrograms per liter

ES - NR 140 Enforcement Standard

PAL - NR 140 Preventive Action Limit

MW-1A is a duplicate sample collected from MW-108 for quality assurance purposes.

Shaded and bold concentrations indicate concentrations greater than PAL.

Underlined and bold concentrations indicate concentration greater than PAL.

Italicized results provided by Cooper Environmental & Engineering Resources, Inc., from 12/15/97 through 9/16/98.

Please note that results provided in this table do not include all historical sampling data collected from this site.

Q - Analyte detected at a concentration between the level of detection (LOD) and the level of quantitation (LOQ).

ns = no established NR 140 standards exist for parameter.

* = Dept. of Health and Social Services Cycle 7 Revisions to NR 140.

na - Not analyzed during this sampling event

-- Well not sampled during this sampling event

FIGURE 2
INTERPRETED SHALLOW
GROUNDWATER FLOW
DIRECTION
(6/1/98)
O'Connor Oil Corporation
1211 W. Washington Street
West Bend, WI

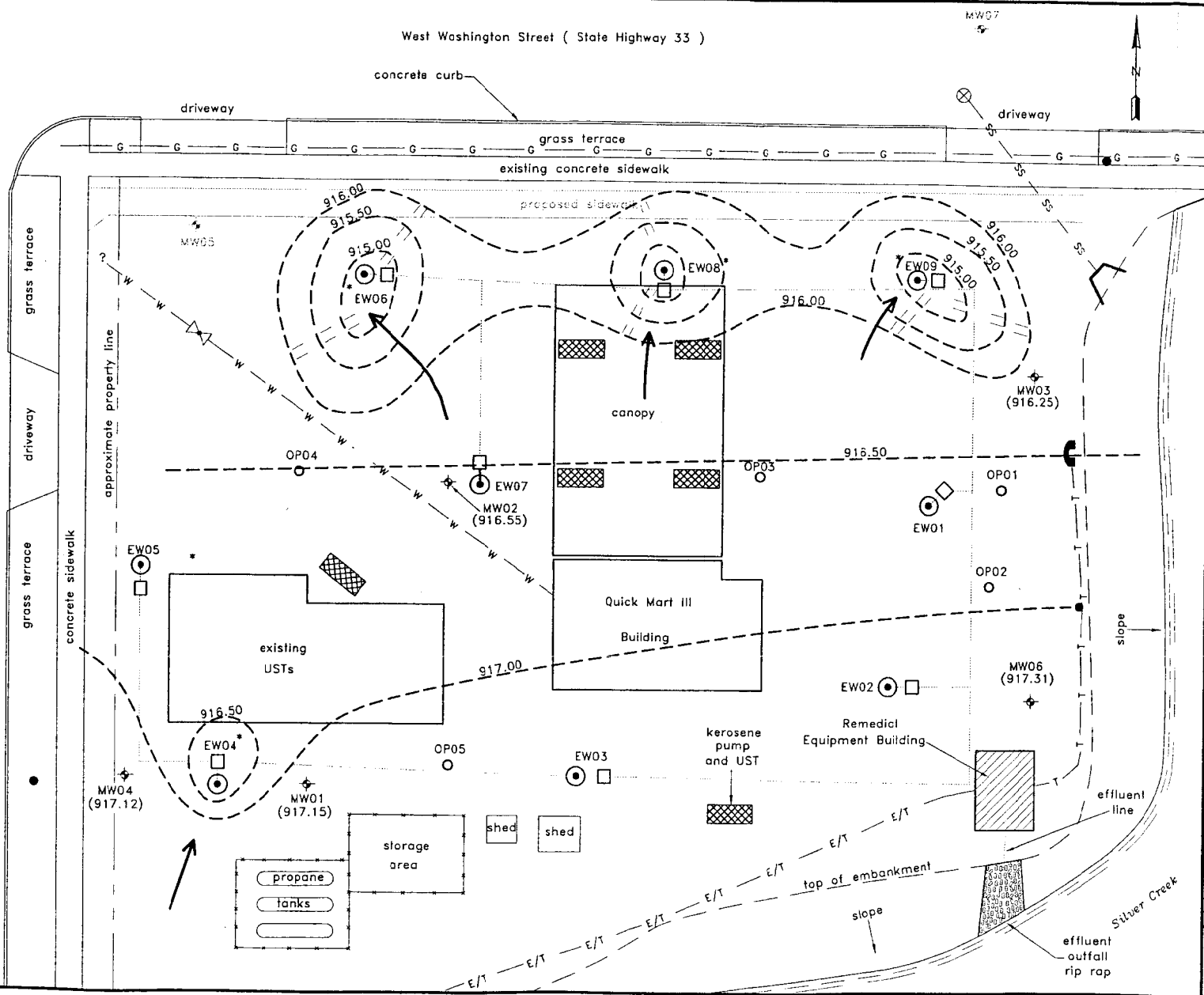
- = SVE and groundwater conveyance piping trench
- OP01 ○ = SVE observation probe
- EW01 ● = extraction well location and I.D.
- = vapor extraction monitoring manhole
- 916.50 --- = interpreted groundwater elevation contour
- MW01 ◆ = monitoring well location and I.D.
 (917.15) = groundwater elevation (feet-MSL)
- MW05 ◆ = monitoring wells MW05 and MW07 abandoned during Hwy 33 reconstruction
- = interpreted groundwater flow direction
- E/T— = underground electric/telephone line
- G— = natural gas line
- SS— = storm sewer line
- W— = water line
- ⊗ = storm sewer manhole
- ☎ = telephone
- = light pole
- ▨ = dispenser islands

CONTOUR INTERVAL = 0.5 FEET

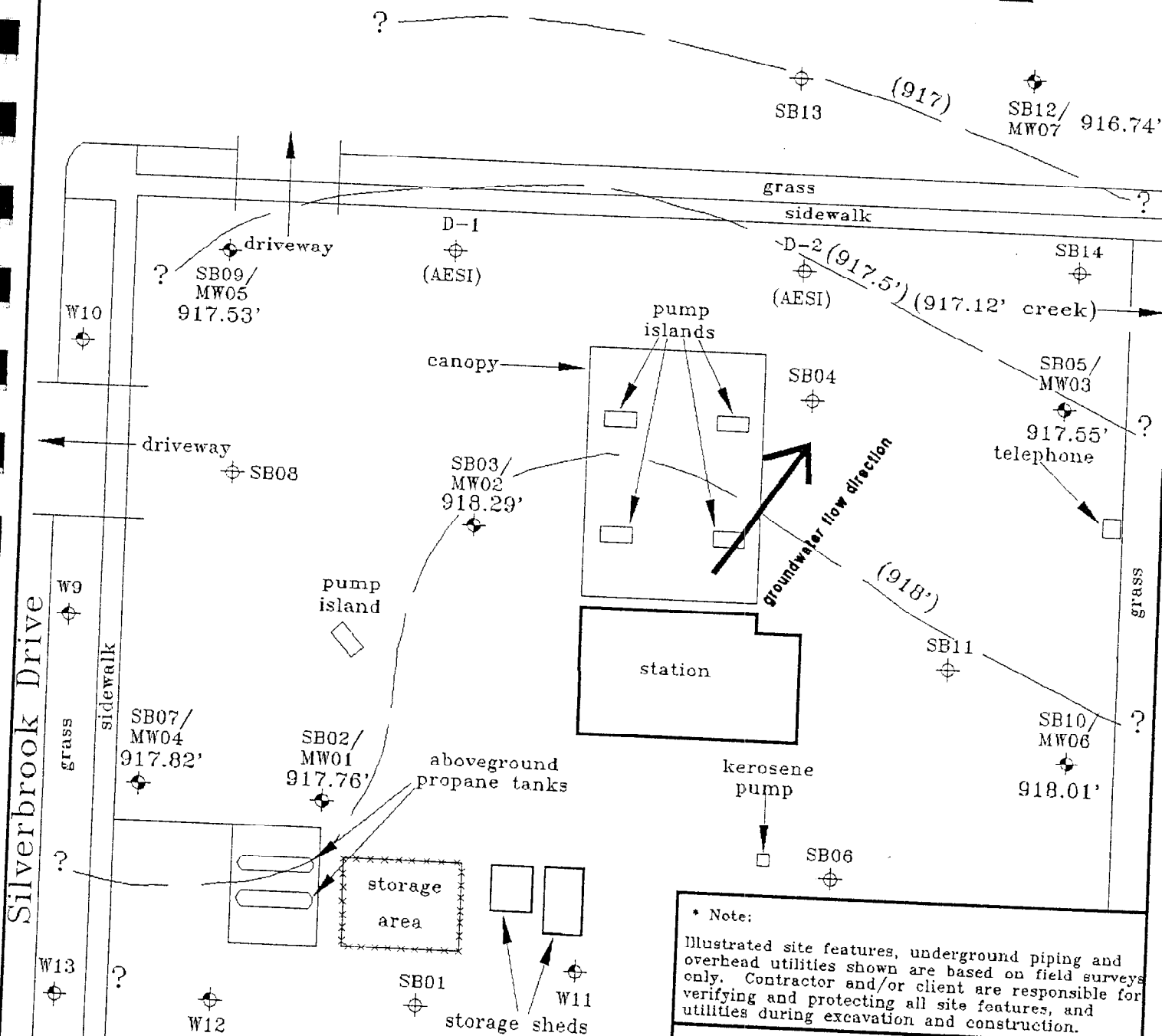
* Note:
 Extraction Wells EW04, EW05, EW06, EW08 and EW09 are dual extraction, all others are vapor extraction only.

date:	drafted by:	checked by:	approved by:

Cooper
 Environmental & Engineering Resources Inc.
 1411 North Main Street, West Bend, Wisconsin, 53090
 scale: 1" = 20'



W. Washington Street
(State Hwy. 33)



* Note:

Illustrated site features, underground piping and overhead utilities shown are based on field surveys only. Contractor and/or client are responsible for verifying and protecting all site features, and utilities during excavation and construction.

SB01

⊕ - soil boring location and I.D.

SB02/
MW01

⊕ - soil boring/monitoring well location and I.D.

917.76' - groundwater level elevation

D-1

⊕ - AESI Soil Boring Location and I.D.

W11

⊕ - WEPCO Soil Boring Location and I.D.

Cooper

Environmental & Engineering Resources, Inc.
1411 North Main Street, West Bend, Wisconsin, 53095

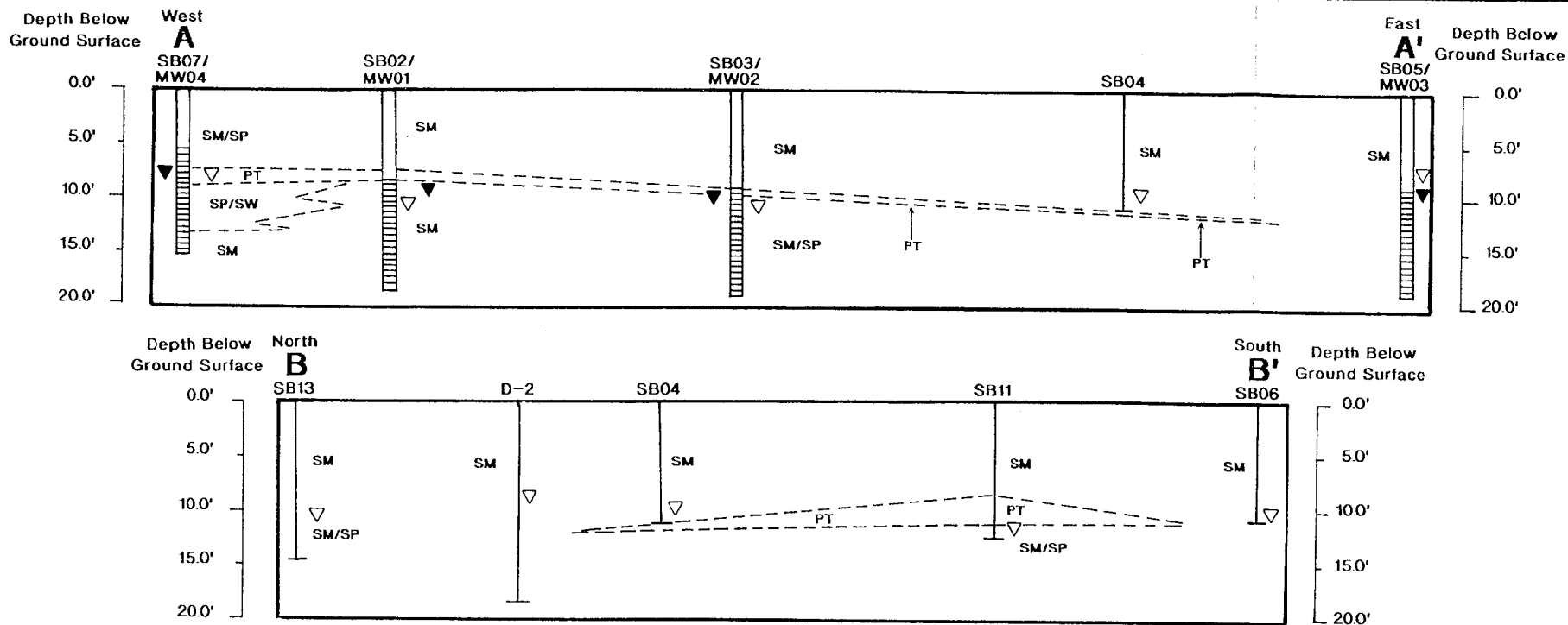
scale: 1" = 30'

date: 11/28/93

drawn by PDF

Figure 3-1
SHALLOW GROUNDWATER FLOW DIRECTION
(7-27-93)

O'Connor Oil Corporation
1211 W. Washington Street
West Bend, WI



LOCATION OF CROSS-SECTIONS

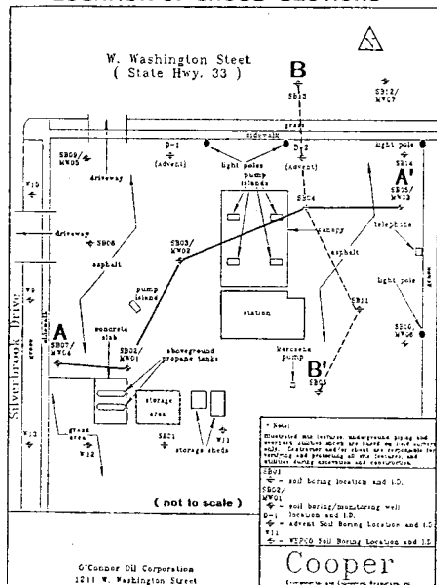


Figure 2-2
GEOLOGICAL CROSS-SECTIONS

O'Connor Oil Corporation
1211 W. Washington Street
West Bend, WI

Cooper
ENVIRONMENTAL RESOURCES INC.
1411 North Main Street, West Bend, Wisconsin 53095

date: 10/25/93

drawn by PDF